



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/171685

PRELIMINARY RECITALS

Pursuant to a petition filed January 28, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Brown County Human Services in regard to Medical Assistance/BadgerCare Plus (BCP), a hearing was held on March 15, 2016, at Green Bay, Wisconsin.

The issue for determination is whether discontinuance of the petitioner's BCP effective February 1, 2016, was correct.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] ES Spec.
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.

2. Prior to February 2016, the petitioner had an ongoing BCP case as a household of one person. His case was due for an annual review in January 2016. The petitioner submitted recent paystubs as part of the review process.
3. Relying on the submitted paystubs, the agency concluded that the petitioner's income exceeded the BCP limit of 100% of the federal poverty level (FPL). On January 11, 2016, the agency mailed written notice to the petitioner, advising that his BCP case would close effective February 1, 2016, due to excess income. The petitioner appealed, and aid was continued pending appeal.
4. At hearing, the petitioner produced his income tax return and more recent paystubs. He correctly argues the stubs submitted in January were unusually large due to overtime, and that his normal monthly income (as well as his annual income as captured on the tax return) were under 100% FPL. The agency reviewed this documentation immediately after hearing, and concluded that the petitioner is eligible for BCP from February 1, 2016 forward.
5. The agency has now certified the petitioner for BCP through January 31, 2017.

DISCUSSION

Because the agency has now certified the petitioner for BCP from February 1, 2016 through January 31, 2017, no issue remains for resolution or action by the Administrative Law Judge.

CONCLUSIONS OF LAW

Because the agency has now certified the petitioner for BCP from February 1, 2016 through January 31, 2017, no issue remains for resolution or action by the Administrative Law Judge.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 18th day of March, 2016

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 18, 2016.

Brown County Human Services
Division of Health Care Access and Accountability